IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 26169 of 2003

DATED:29-09-2005

Between:

B.Prakash Reddy S/o. Inna Reddy

Madapur, Hyderabad Petitioner

And

The Commissioner of Police, Cyberabad,

Ranga Reddy district & others Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No. 26169 of 2003

ORAL ORDER:

The present writ petition was filed questioning the action of the official respondents in not registering a crime under Explosives Substances Act, 1908, against the 4th respondent and for a direction to prevent the blasting process in the open land situated in Survey no. 64, Madapur village, Cyberabad, Ranga Reddy district.

The facts in brief which lead to filing the present writ petition are that the Government of A.P., has handed over site in Survey No.64, Madapur village, Cyberabad,

Hyderabad, for development of I.T. park to the 4th respondent. It is stated that the said land is covered with rocks, and to clear the same, the 4th respondent is conducting blasting operations, thereby causing damage to the petitioner's building and causing physical injuries to inmates of the building, including the petitioner herein. The petitioner states that a crime under section 286 and 427 of I.P.C. was also registered against the 4th respondent in Crime No.214 of 2003. The petitioner states that despite registering a crime, the 4th respondent has not stopped the blasting operations, and as the blasting operations being conducted by the 4th respondent are causing damage to the building and causing injuries to the petitioner and his family members, he seeks a direction to the official respondents to register a crime against the 4th respondent under the provisions of the Explosive Substances Act. Hence, the present writ petition.

This Court while admitting the writ petition by order dated
17-12-2003, passed the following interim order in W.P.M.P. No. 33062 of 2003:

> *"Pending further orders on this application, 4th respondent is restrained from using any explosives for blasting stones. It is, however, open to 4th respondent to remove unwanted stones and boulders manually without causing any injury to third parties."*

Thereafter the 4th and 5th respondents, to vacate the above-said interim order, filed vacate stay petitions in W.V.M.P. Nos. 4235 and 4277 of 2003. Upon considering the said vacate petitions, interim orders granted on 17-12-2003 were modified by this Court by order dated
2-01-2004, and the said order reads:

> *"Pending further orders, the order in WPMP No.33062 of 2003 dated 17-12-2003 is modified to the extent that the fifth (5th) respondent should undertake only control blasting by taking all safety measures, but, however, there should not be any blasting operation within a distance of 150 feet from the compound wall of the writ petitioner building."*

Today when the matter is taken up, learned Senior Counsel

Mr. D. Prakash Reddy, appearing for the 4th respondent submitted that

4th respondent is complying with the orders of this Court dated 2-01-2004 and not undertaking any blasting works within 150 feet distance from the compound wall of the petitioner's building. He further prayed that the writ petition may be disposed of in terms of the orders dated 2-01-2004.

Learned counsel for petitioner expressed no objection for disposal of the writ petition, but submitted that the petitioner has received injuries due to blasting operations conducted by the 4th respondent and incurred huge expenditure for treatment and his building also suffered damages, and prayed that appropriate compensation may be directed to be paid by the 4th respondent to the petitioner.

The learned Senior Counsel appearing for the 4th respondent upon ascertaining from his client submitted that the 4th respondent is ready and willing to pay Rs.50,000/- to the petitioner towards compensation. The counsel for the petitioner agreed for the same.

In view of the agreed stand taken by the parties, this writ petition is disposed of in terms of the interim order dated 02.01.2004 directing the

4th respondent not to take blasting work within the distance of 150 feet from the compound wall of the petitioner. It is needless to mention that any blasting work undertaken beyond 150 feet distance from the compound wall of the petitioner shall be a controlled blasting by taking all the safety precautions. The 4th respondent shall pay an amount of Rs.50,000/- to the petitioner towards compensation, as agreed to, within a period of four weeks from the date of receipt of copy of this order. No costs.

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N.V.RAMANA,J

DATE: 29-09-2005

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